IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO. 581 OF 2007

State of Mah. .vs. Harichand Rathod

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrars orders.	Court's or Judge's orders.

CORAM: A.P. LAVANDE & R.V. MORE, JJ.

DATED : SEPTEMBER 28, 2007.

CIVIL APPLICATION NO. 6284 OF 2007 :

Heard Mr. Kankale, learned A.G.P. for appellant and Mr. Nemade, learned Counsel for respondent/applicant.

By this application, the respondent seeks withdrawal of the amount of Rs.69,97,223/- deposited by the appellant in the Reference Court in terms of the orders passed by the Reference Court. Having heard the learned Counsel for the parties and considering the facts and circumstances of the case, we pass the following order :-

1. The respondent is permitted to withdraw an amount of Rs. 35,00,000/- by furnishing bank guarantee of any Nationalised Bank for 50% of the amount and security for balance 50% of the amount to the satisfaction of Registrar (Judicial) of this Court,
2. The respondent shall keep bank guarantee alive till disposal of the appeal and for a period of 3 months thereafter.
3. In the event, the appeal is partly or wholly allowed, the

respondent shall deposit in this Court the amount due in terms of the order passed by this Court with interest thereon @ 8% per annum within a period of 8 weeks from the date of judgment. The respondent shall file an undertaking to that effect before withdrawal of the amount.

4. The Registrar shall invest balance amount of Rs.34,97,223/-, if not already invested in any Nationalised Bank for an initial period of 37 months to be renewed from time to time till the disposal of the appeal.

The application stands disposed of.

J. **JUDGE.** **JUDGE.**